

[11.2011 fugitive location warrant]
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

12 MISC 542

FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF
APPLICATION

- - - - -X
IN THE MATTER OF AN APPLICATION
OF THE UNITED STATES OF AMERICA
FOR ORDERS AUTHORIZING THE
DISCLOSURE OF LOCATION DATA
RELATING TO A SPECIFIED WIRELESS
TELEPHONE

- - - - -X
EASTERN DISTRICT OF NEW YORK, SS:

I, Ayesha Winston, being first duly sworn, hereby
depose and state as follows:

1. I make this affidavit in support of an application
for a search warrant under Federal Rule of Criminal Procedure 41
and 18 U.S.C. §§ 2703(c)(1)(A) for information about the
prospective and historical location of 718-551-1023, subscribed
to by Edward Byam (the "SUBJECT TELEPHONE"), whose wireless
telephone service provider is Verizon Wireless ("Service
Provider").¹ The SUBJECT TELEPHONE is described herein and in
Attachment A, and the prospective and historical location
information to be seized is described herein and in Attachment B.

2. I have been a Special Agent with the Bureau of
Alcohol, Tobacco, Firearms and Explosives ("ATF") for
approximately seven years. I am responsible for conducting and

¹ On August 13, 2012, the Honorable Steven M. Gold issued
an order for precision location data for the SUBJECT TELEPHONE.
However, I have been informed by a representative with the United
States Marshals Service, whose assistance I have sought in
arresting Edward Byam, that the Service Provider Verizon Wireless
does not have the capability to provide such precision data.

assisting in investigations into the activities of individuals and criminal groups responsible for crimes related to unlawful possession and use of firearms, including armed robberies. These investigations are conducted both in an undercover and overt capacity. I have participated in investigations involving search warrants and arrest warrants. As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Because the purpose of this affidavit is limited to demonstrating probable cause for the requested warrant, it does not set forth all of my knowledge about this matter. In addition, when I rely on statements made by others, such statements are set forth only in part and in substance unless otherwise indicated.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that Edward Byam is a fugitive, and that he has used, and is currently using, the SUBJECT TELEPHONE. There is therefore probable cause to believe that the prospective and historical location information, including but not limited to E-911 Phase II data (or other

precise location information) concerning the SUBJECT TELEPHONE (the "REQUESTED INFORMATION"),² as described in Attachment B, will enable law enforcement officers to locate Byam and execute that arrest warrant.

Background

5. On August 8, 2012, an arrest warrant for Edward Byam's arrest was issued by the Honorable James Orenstein in United States v. Byam, Misc. No. 12-743, for Hobbs Act robbery in violation of 18 U.S.C. § 1951(a), and unlawful use of a firearm, in violation of Title 18, United States Code, Section 924(c). A

² Such information shall, where other information is unavailable, include records reflecting the tower and antenna face ("cell site") used by the SUBJECT TELEPHONE at the start and end of any call or text message transmission. In requesting cell site information, the government does not concede that such cell site records – routinely retained by wireless carriers as business records – may only be obtained via a warrant issued on probable cause. See In re Application, 632 F. Supp. 2d 202 (E.D.N.Y. 2008) (authorizing prospective acquisition of cell-site records under combined authority of 18 U.S.C. 2703(d) & 3121 et seq.); In re Application, 460 F. Supp. 2d 448 (S.D.N.Y. 2006) (same). Moreover, I have been informed by Assistant United States Attorney Una A. Dean that the Stored Communication Act ("SCA"), 18 U.S.C. § 2703(c)(1), authorizes the government to require the provider to disclose the information pertinent to this application by obtaining a warrant, a court order under § 2703(d), or the consent of the subscriber, with the means employed having implications on notice requirements, among other things. In the instant case, the government has opted to pursue a warrant based upon probable cause to obtain the information, though the government could obtain that information through a lesser evidentiary showing. See 18 U.S.C. § 2703(d) (authorizing issuance of § 2703(d) order upon a showing of "specific and articulable facts showing . . . reasonable grounds to believe that . . . the records or other information sought are relevant and material to an ongoing criminal investigation").

copy of the complaint and arrest warrant are attached hereto as Exhibit 1.

6. On three occasions since June 4, 2012, the ATF has conducted surveillance of suspected residences of Byam's. To date, however, we have been unable to ascertain his whereabouts.

7. Based on the facts set forth below, probable cause exists to believe that the requested prospective and historical location data set forth in Attachment B will enable law enforcement officers to locate Byam and execute that arrest warrant.

The SUBJECT TELEPHONE

8. Documents received from Verizon Wireless on August 1, 2012, reveal that Byam subscribed to the SUBJECT TELEPHONE beginning on June 11, 2012. These documents also reveal that the SUBJECT TELEPHONE began contacting a telephone number subscribed to by co-conspirator Akeem Monsalvatge on June 11, 2012, and had contact with the Monsalvatge phone as recently as July 30, 2012.³

9. There is therefore probable cause to believe that Byam is using the SUBJECT TELEPHONE and that the REQUESTED INFORMATION set forth in Attachment B will enable law enforcement

³ On August 8, 2012, the Honorable James Orenstein also issued an arrest warrant, in United States v. Monsalvatge, Misc. No. 12-744, for Monsalvatge's arrest. A copy of the complaint and arrest warrant is attached hereto as Exhibit 2.

officers to locate Byam and execute the arrest warrant.

AUTHORIZATION REQUEST

10. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c).

11. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to delay notice until 30 days after the collection authorized by the warrant has been completed. This delay is justified because there is reasonable cause to believe that providing immediate notification of the warrant may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the subscribers or users of the SUBJECT TELEPHONE would seriously jeopardize the ongoing investigation, as such disclosure would give the targets of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates, and continue to flee from and evade prosecution. Moreover, to the extent that the warrant authorizes the seizure of any tangible property, any wire or electronic communication (as defined in 18 U.S.C. § 2510), or any stored wire or electronic information, there is reasonable necessity for the seizure for the reasons set forth above.

12. I further request that the Court direct the

Service Provider to disclose to the government any information described in Attachment B that is within the Service Provider's possession, custody, or control. I also request that the Court direct the Service Provider to furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the information described in Attachment B unobtrusively and with a minimum of interference with the Service Provider's services, by, inter alia, initiating a signal to determine the locations of the SUBJECT TELEPHONE on the Service Provider's networks or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The government shall reasonably compensate the Service Provider for reasonable expenses incurred in furnishing such facilities or assistance.

13. I further request that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to locate the SUBJECT TELEPHONE outside of daytime hours.

14. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation. Disclosure of this application and these orders would seriously jeopardize the ongoing investigation, as such a disclosure would

give the targets of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates and continue to flee from or evade prosecution.

15. IT IS FURTHER REQUESTED that, pursuant to 18 U.S.C. § 2705(b) and for the reasons stated above, the Court issue an Order commanding Verizon Wireless not to notify any person (including the subscribers or customers of the account listed in the attached warrant) of the existence of the attached warrant until further order of the Court.

Dated: Brooklyn, New York
August 14, 2012



AYESHA WINSTON
Special Agent
ATF

Sworn to before me the 14 day of August, 2012



THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

ATTACHMENT A

Property To Be Searched

1. The cellular telephone assigned call number 718-551-1023, subscribed to by Edward Byam, with Device ID 99000109356527 (the "SUBJECT TELEPHONE"), whose wireless service provider is Verizon Wireless, a company headquartered at Basking Ridge, NJ.

2. Information about the location of the SUBJECT TELEPHONE that is within the possession, custody, or control of Verizon Wireless, including information about the location of the cellular telephone if it is subsequently assigned a different call number.

3. Records or other information about the location of the SUBJECT TELEPHONE from July 14, 2012, until 11:00 a.m. Eastern Time on the date that the Court issues the warrant, that is within the possession, custody, or control of Verizon Wireless.

ATTACHMENT B

Particular Things to be Seized

All prospective information about the location of the SUBJECT TELEPHONE described in Attachment A for a period of thirty days, during all times of day and night. "Information about the location of the SUBJECT TELEPHONE" includes all available E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which "cell towers" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces of the towers) received a radio signal from the cellular telephone described in Attachment A.

All recorded information identifying the base station towers and sectors that received transmissions from the SUBJECT TELEPHONE at the beginning and the end of each communication to or from the SUBJECT TELEPHONE, including calls or text message transmissions, and the mobile switching center serving the SUBJECT TELEPHONE during any such communications, for the period from July 14, 2012, until 11:00 a.m. Eastern Time on the date that the Court issues the warrant.

To the extent that the information described in the previous two paragraphs (hereinafter, "Location Information") is within the possession, custody, or control of Verizon Wireless, Verizon Wireless is required to disclose the Location Information to the government. In addition, Verizon Wireless must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with Verizon Wireless' services, including by initiating a signal to determine the location of the SUBJECT TELEPHONE on Verizon Wireless' network or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The government shall compensate Verizon Wireless for reasonable expenses incurred in furnishing such facilities or assistance.

To the extent that the Location Information includes tangible property, wire or electronic communications (as defined in 18 U.S.C. § 2510), or stored wire or electronic information, there is reasonable necessity for the seizure. See 18 U.S.C. § 3103a(b) (2).

JDL:UAD
F.#2011R00370

12M743

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

EDWARD BYAM,

Defendant.

TO BE FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF
ARREST WARRANT

(18 U.S.C. §§ 1951(a),
924(c)(1)(A)(ii), 2 and
3551 et seq.)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

AYESHA WINSTON, being duly sworn, deposes and states that she is a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") duly appointed according to law and acting as such.

Upon information and belief, in or about and between October 2011 and February 2012, within the Eastern District of New York and elsewhere, the defendant EDWARD BYAM together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery of a Pay-O-Matic check cashing store, and to commit and threaten physical violence to a person in furtherance of the robbery.

(Title 18, United States Code, Section 1951(a) and 3551 et seq.)

Upon information and belief, in or about and between October 2011 and February 2012, within the Eastern District of New York, the defendant EDWARD BYAM, together with others, did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit: a conspiracy to commit a robbery of a Pay-O-Matic check cashing store, and did knowingly and intentionally possess such firearm in furtherance of said crime of violence, which firearm was brandished.

(Title 18, United States Code, Sections 924(c) (1) (A) (ii), 2 and 3551 et seq.)

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") for approximately seven years. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for crimes related to unlawful possession and use of firearms, including armed robberies. These investigations are conducted both in an undercover and overt capacity. I have participated in investigations involving search warrants and arrest warrants. As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to

¹ Because the purpose of this Affidavit is to establish only probable cause to arrest, I have not set forth a description of all the facts and circumstances of which I am aware.

conceal their activities from detection by law enforcement authorities.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Because the purpose of this affidavit is limited to demonstrating probable cause for the requested warrant, it does not set forth all of my knowledge about this matter. In addition, when I rely on statements made by others, such statements are set forth only in part and in substance unless otherwise indicated.

3. On February 14, 2012, Pay-O-Matic, a check cashing establishment located in Queens, New York, was robbed by three men. According to an employee of Pay-O-Matic, on the day of the robbery, three men dressed as New York City Police Department ("NYPD") officers approached the employee as she was arriving at work at approximately 8:00 a.m. They had exited a dark-colored SUV with a broken rear window, which was parked outside of the Pay-O-Matic. The men showed the employee a photograph of her house and escorted her into the store.

4. Once inside, one of the men brandished a firearm, and the three men proceeded to rob the establishment, removing approximately \$200,000 from an unlocked safe. They then left the store, entered the SUV and drove away.

5. The three men left behind the photograph of the employee's home. On the back of the photograph was printed

"Walgreens 11316 12/03/11." Based on the store number "11316," the NYPD determined that the photograph had been printed at a Walgreens located at 125-55 Farmers Boulevard in Queens, New York. Thereafter, Walgreens employees provided a receipt for the photograph, which showed that the photograph was printed for "Byam, E."

6. Following the robbery, the details of the robbery, including surveillance photographs of the robbers, were broadcast on local news outlets. The NYPD subsequently received a tip that the robbers appeared to be wearing high-end special effects masks.

7. Composite Effects, also known as "CFX," is a company that manufactures high-end special effects masks. Documents received from Composite Effects show that "Edward Byam" purchased three "Mac the Guy" masks on or about October 25, 2011 (invoice number 4389). "Mac the Guy" masks are Caucasian male masks that match the appearances of the robbers as captured on Pay-O-Matic surveillance cameras on the day of the robbery. In placing his order, BYAM gave the email address "newdaddy1@aol.com" as his email address.

8. On November 9, 2011, Composite Effects received an email from "newdaddy1@aol.com," in which BYAM wrote, "my name is edward byam invoice num 4389; i placed my order on oct. 25 n was wondering if my order will be honored on the schedule date in nov?????"

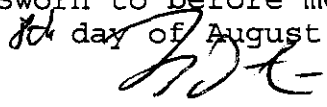
9. On November 30, 2011, Composite Effects received another email from "newdaddy1@aol.com," in which BYAM confirmed receipt of the masks and wrote, "im sending this message to say im extremely pleased by cfx work on the mask . . . the realism of the mask is unbelievable."

WHEREFORE your deponent respectfully requests that an arrest warrant issue for the defendant EDWARD BYAM, so that he may be dealt with according to law. I further request that the Court order that this application, including the affidavit and arrest warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation. Disclosure of this application and these orders would seriously jeopardize the ongoing investigation, as such a disclosure would give the targets of the investigation an opportunity to destroy evidence, harm or threaten victims or other witnesses, change patterns of behavior, notify confederates and flee from or evade prosecution.



Ayesha Winston
Special Agent, ATF

Sworn to before me this
10th day of August 2012



THE HONORABLE JAMES ORENSTEIN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America

v.

EDWARD BYAM,

Defendant

Case No.

12 M 743**ARREST WARRANT**

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay*(name of person to be arrested)* Edward Byam,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment
 ☐ Superseding Indictment
 ☐ Information
 ☐ Superseding Information
☒ Complaint
☐ Probation Violation Petition
☐ Supervised Release Violation Petition
☐ Violation Notice
☐ Order of the Court

This offense is briefly described as follows:

Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951(a), and brandishing a firearm in relation to a crime of violence, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

Date: 08/08/2012*Issuing officer's signature*City and state: Brooklyn, NYHon. James Orenstein*Printed name and title***Return**

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

*Arresting officer's signature**Printed name and title*

JDL:UAD
F.#2011R00370

12M744

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

AKEEM MONSALVATGE,

Defendant.

TO BE FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF
ARREST WARRANT

(18 U.S.C. §§ 1951(a),
924(c)(1)(A)(ii), 2 and
3551 et seq.)

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

AYESHA WINSTON, being duly sworn, deposes and states that she is a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") duly appointed according to law and acting as such.

Upon information and belief, in or about and between October 2011 and February 2012, within the Eastern District of New York and elsewhere, the defendant AKEEM MONSALVATGE together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery of a Pay-O-Matic check cashing store, and to commit and threaten physical violence to a person in furtherance of the robbery.

(Title 18, United States Code, Section 1951(a) and 3551 et seq.)

Upon information and belief, in or about and between October 2011 and February 2012, within the Eastern District of New York, the defendant AKEEM MONSALVATGE, together with others, did knowingly and intentionally use and carry a firearm during and in relation to a crime of violence, to wit: a conspiracy to commit a robbery of a Pay-O-Matic check cashing store, and did knowingly and intentionally possess such firearm in furtherance of said crime of violence, which firearm was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii), 2 and 3551 et seq.)

The source of your deponent's information and the grounds for her belief are as follows:¹

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") for approximately seven years. I am responsible for conducting and assisting in investigations into the activities of individuals and criminal groups responsible for crimes related to unlawful possession and use of firearms, including armed robberies. These investigations are conducted both in an undercover and overt capacity. I have participated in investigations involving search warrants and arrest warrants. As a result of my training and experience, I am familiar with the techniques and methods of operation used by individuals involved in criminal activity to

¹ Because the purpose of this Affidavit is to establish only probable cause to arrest, I have not set forth a description of all the facts and circumstances of which I am aware.

conceal their activities from detection by law enforcement authorities.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. Because the purpose of this affidavit is limited to demonstrating probable cause for the requested warrant, it does not set forth all of my knowledge about this matter. In addition, when I rely on statements made by others, such statements are set forth only in part and in substance unless otherwise indicated.

3. On February 14, 2012, Pay-O-Matic, a check cashing establishment located in Queens, New York, was robbed by three men. According to an employee of Pay-O-Matic, on the day of the robbery, three men dressed as New York City Police Department ("NYPD") officers approached the employee as she was arriving at work at approximately 8:00 a.m. They had exited a dark-colored SUV with a broken rear window, which was parked outside of the Pay-O-Matic. The men showed the employee a photograph of her house and escorted her into the store.

4. Once inside, one of the men brandished a firearm, and the three men proceeded to rob the establishment, removing approximately \$200,000 from an unlocked safe. They then left the store, entered the SUV and drove away.

5. The three men left behind the photograph of the employee's home. On the back of the photograph was printed

"Walgreens 11316 12/03/11." Based on the store number "11316," the NYPD determined that the photograph had been printed at a Walgreens located at 125-55 Farmers Boulevard in Queens, New York. Thereafter, Walgreens employees provided a receipt for the photograph, which showed that the photograph was printed for "Byam, E." The receipt also contained a telephone number, ending in 5213, which is subscribed to Jodi Ferguson, 16913 110th Road, Jamaica, NY 11433 and Edward Byam, 18918 Keeseville Avenue, Jamaica, New York, 11412 (the "Byam Telephone").

6. Following the robbery, the details of the robbery, including surveillance photographs of the robbers, were broadcast on local news outlets. The NYPD subsequently received a tip that the robbers appeared to be wearing high-end special effects masks.

7. Composite Effects, also known as "CFX," is a company that manufactures high-end special effects masks. Documents received from Composite Effects show that "Edward Byam" purchased three "Mac the Guy" masks on or about October 25, 2011 (invoice number 4389). "Mac the Guy" masks are Caucasian male masks that match the appearances of the robbers as captured on Pay-O-Matic surveillance cameras on the day of the robbery.

8. Composite Effects documents show that the masks were shipped to "Edward Byam C/o Erica, 153-50 89th Ave, Apt. 939, Jamica [sic], NY 11432." Database searches reveal that an individual named "Erica Malloy" resides at this address. UPS

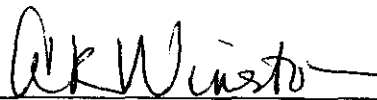
tracking information shows that the masks were delivered to this address on November 29, 2011.

9. On September 8, 2010, the defendant AKEEM MONSALVATGE was arrested and released on bond by the New York City Police Department ("NYPD") for a robbery of another Pay-O-Matic store in Queens that occurred on February 24, 2010. MONSALVATGE testified before a grand jury in connection with this arrest on February 10, 2011. During his testimony, he stated that Erika Malloy is his wife and also testified as to his phone number, a number ending in 2377 (the "Monsalvatge Telephone").

10. A review of telephone toll records has revealed that there were approximately 89 calls between the Monsalvatge Telephone and the Byam Telephone during the two weeks prior the robbery, approximately 22 of which occurred on the day of the robbery.

WHEREFORE your deponent respectfully requests that an arrest warrant issue for the defendant AKEEM MONSALVATGE, so that he may be dealt with according to law. I further request that the Court order that this application, including the affidavit and arrest warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation. Disclosure of this application and these orders would seriously jeopardize the ongoing investigation, as such a disclosure would give the targets of the investigation an opportunity to destroy evidence, harm or

threaten victims or other witnesses, change patterns of behavior,
notify confederates and flee from or evade prosecution.



Ayesha Winston
Special Agent, ATF

Sworn to before me this

8th day of August 2012



THE HONORABLE JAMES ORENSTEIN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

United States of America

v.

AKEEM MONSALVATGE,

Defendant

Case No.

12M744

ARREST WARRANT


To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Akeem Monsalvatge
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951(a), and brandishing a firearm in relation to a crime of violence, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

Date: 08/08/2012

Issuing officer's signature
City and state: Brooklyn, NY

Hon. James Orenstein
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

F.#2012R00370

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

12 MISC 542

- - - - - x

TO BE FILED UNDER SEAL

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA FOR
AN ORDER PURSUANT TO
18 U.S.C. § 2705(b)

ORDER

- - - - - x

Application having been made for a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. §§ 2703(c)(1)(A) for information about the location of the cellular telephone assigned call number 718-551-1023, subscribed to by Edward Byam (the "SUBJECT TELEPHONE"), whose wireless telephone service provider is Verizon Wireless (the "Service Provider"), as further described in Attachment B to the search warrant (the "REQUESTED INFORMATION");

The Court finds that there is reasonable cause to believe that providing immediate notification of the execution of the warrant may seriously jeopardize an ongoing investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify confederates. See 18 U.S.C. §§ 2705(b)(2), 2705(b)(3) and 2705(b)(5). Furthermore, the execution of this warrant will not result in the seizure of any tangible property or any wire or electronic communication (as defined in 18 U.S.C. § 2510). To the extent that the warrant

authorizes the seizure of any stored wire or electronic information, that seizure is expressly authorized by 18 U.S.C. § 2703(c)(1)(A).

IT IS HEREBY ORDERED pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) that law enforcement officers, including but not limited to agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and the United States Marshals Service ("USMS"), beginning at any time within ten days of the date of this Order and for a period not to exceed 30 days, may obtain the REQUESTED INFORMATION concerning the SUBJECT TELEPHONE, with said authority to extend to any time of the day or night as required, including when the SUBJECT TELEPHONE leaves the Eastern District of New York; all of said authority being expressly limited to ascertaining the physical location of the SUBJECT TELEPHONE and expressly excluding the contents of any communications conducted by the user(s) of the SUBJECT TELEPHONE.

It is further ORDERED that Verizon Wireless (the "service provider") assist law enforcement, including but not limited to agents with the ATF and USMS, by providing all information, facilities and technical assistance needed to ascertain the REQUESTED INFORMATION, including by initiating a signal to determine the location of the SUBJECT TELEPHONE on the service provider's network or with such other reference points as

may be reasonably available and at such intervals and times as directed by the law enforcement agent serving the proposed order, and furnish the technical assistance necessary to accomplish the acquisition unobtrusively and with a minimum of interference with such services as the service provider accords the user(s) of the SUBJECT TELEPHONE.

It is further ORDERED that the ATF compensate the service provider for reasonable expenses incurred in complying with any such request.

It is further ORDERED that the Court's Order and the accompanying Affidavit submitted in support thereof be sealed until further Order of the Court, except that copies of the Court's Order in full or redacted form may be maintained by the United States Attorney's Office, and may be served on law enforcement officers, and other government and contract personnel acting under the supervision of such law enforcement officers, and the service provider as necessary to effectuate the Court's Order.

It is further ORDERED that this warrant be returned to the issuing judicial officer within 14 days after the termination of the monitoring period authorized by the warrant.

It is further ORDERED that, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), service of notice may be delayed for a period of 30 days after the

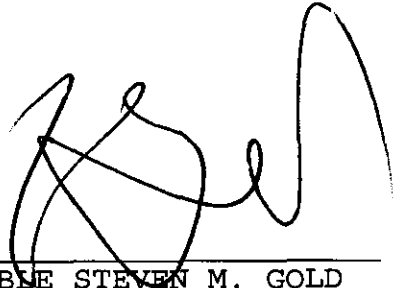
termination of the monitoring period authorized by the warrant or any extension thereof.

It is further ORDERED under 18 U.S.C. § 2705(b) that Verizon Wireless shall not disclose the existence of the attached warrant, or this Order of the Court, to the listed subscriber or to any other person, unless and until otherwise authorized to do so by the Court, except that Verizon Wireless may disclose the attached warrant to an attorney for Verizon Wireless for the purpose of receiving legal advice.

It is further ORDERED that this Order apply to any changed mobile telephone number subsequently assigned to the SUBJECT TELEPHONE within the period of this Order.

It is further ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Dated: Brooklyn, New York
August 14, 2012

A handwritten signature in black ink, appearing to read 'S. Gold', is written over a horizontal line.

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

for the
Eastern District of New York

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)cellular telephone assigned call number 718-551-1023, subscribed to by Edward
Byam, whose wireless service provider is Verizon Wireless.

Case No.

12 MISC 542

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search
of the following person or property located in the Eastern District of New York

(identify the person or describe the property to be searched and give its location):

See Attachment A

The person or property to be searched, described above, is believed to conceal (identify the person or describe the
property to be seized):See Attachment B, all of which constitute instrumentalities, evidence and fruits of violations of Title 18, United
States Code, Sections 1951(a) and 924(c).I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or
property.

YOU ARE COMMANDED to execute this warrant on or before

August 28, 2012

(not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m.☒ at any time in the day or night as I find reasonable cause has been
established.Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property
taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the
place where the property was taken.The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an
inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge
duty magistrate

(name)

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay
of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be
sought or seized (check the appropriate box) ☐ for _____ days (not to exceed 30)☐ until, the facts justifying, the later specified date of _____

Date and time issued:

8/14/12 3:05 PM

Judge's signature

City and state: Brooklyn, NYMagistrate Judge Steven M. Gold

Printed name and title

ATTACHMENT A

Property To Be Searched

1. The cellular telephone assigned call number 718-551-1023, subscribed to by Edward Byam, with Device ID 99000109356527 (the "SUBJECT TELEPHONE"), whose wireless service provider is Verizon Wireless, a company headquartered at Basking Ridge, NJ.

2. Information about the location of the SUBJECT TELEPHONE that is within the possession, custody, or control of Verizon Wireless, including information about the location of the cellular telephone if it is subsequently assigned a different call number.

3. Records or other information about the location of the SUBJECT TELEPHONE from July 14, 2012, until 11:00 a.m. Eastern Time on the date that the Court issues the warrant, that is within the possession, custody, or control of Verizon Wireless.

ATTACHMENT B

Particular Things to be Seized

All prospective information about the location of the SUBJECT TELEPHONE described in Attachment A for a period of thirty days, during all times of day and night. "Information about the location of the SUBJECT TELEPHONE" includes all available E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which "cell towers" (i.e., antenna towers covering specific geographic areas) and "sectors" (i.e., faces of the towers) received a radio signal from the cellular telephone described in Attachment A.

All recorded information identifying the base station towers and sectors that received transmissions from the SUBJECT TELEPHONE at the beginning and the end of each communication to or from the SUBJECT TELEPHONE, including calls or text message transmissions, and the mobile switching center serving the SUBJECT TELEPHONE during any such communications, for the period from July 14, 2012, until 11:00 a.m. Eastern Time on the date that the Court issues the warrant.

To the extent that the information described in the previous two paragraphs (hereinafter, "Location Information") is within the possession, custody, or control of Verizon Wireless, Verizon Wireless is required to disclose the Location Information to the government. In addition, Verizon Wireless must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with Verizon Wireless' services, including by initiating a signal to determine the location of the SUBJECT TELEPHONE on Verizon Wireless' network or with such other reference points as may be reasonably available, and at such intervals and times directed by the government. The government shall compensate Verizon Wireless for reasonable expenses incurred in furnishing such facilities or assistance.

To the extent that the Location Information includes tangible property, wire or electronic communications (as defined in 18 U.S.C. § 2510), or stored wire or electronic information, there is reasonable necessity for the seizure. See 18 U.S.C. § 3103a(b) (2).